Previous references. 1914
190 .
(Lunzikar)

File No. Rev 9 — 12

Serial Nos. 5 — 7
9 th

Later references. Rv 7267-16
SCS 1-3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9 th
5 to 7

Part B. for Nov 14

SUBJECT.

Imposition of duty on paddy for the maintenance of the channels established by the late Domadara Dassanaike in the Kurunegala Taluk

---

15- From the Govt Advocate & by Govt No 961 of 10-10-14
Stating the Supreme Court have reversed the decree of the lower Court & remanded the case for disposal &c -

16 To the same No 797 of 22-10-14
Enquiring whether the deposit amount has been deposited by Venasi Rao

From the same No 816 of 24-10-14
Stating the amount has been deposited by Venasi Rao & by way of security.

G. R. S. 58

A A Amarasekera
20-11-14

G.R.S. 11]

GENERAL AND REVENUE SECRETARIAT.

Muzrai)

NOTES.

File No. 149/19

FILE HEADING.

Restration of the Villages granted for the maintenance of the charities established by the late Damodar Dass Saik in the Kunigal Taluk.

From

The Govt Advocate in Mysore

No. 98 Dated 10.10.1914 Received

Diary No. 616	Enclos 1	Spare Copies -	Serial No. 59

BRIEF ABSTRACT OF LETTER.

Reports that the appeal coming on for hearing on 14th September 1914, the Decree of the Lower Court was reversed, and the Suit remanded to the Lower Court for disposal.

NOTES AND ORDERS.

Muz. 9. No 149 of 1912 is submitted. In Serials 2 and 4, Govt authorized the Govt Advocate to appear on behalf of the Muz. Supdt and Inamdar Dy. Comrs and defend the Suit in appeal Case

NOTES--First Sheet.

GPB—35,000—15 6 12

ieral and Revenue Secretariat. | File No. 149 of 1912

Serial No.

No. 275 of 1911-12 on the file of the Chief Court of Mysore, preferred by Venkatesa Rao against the decree passed by the Distt. Judge, Bangalore, dismissing the suit filed by Venkatesa for the recovery and possession of the management of the villages endowed for the maintenance of the charities founded by Damodar Das Sah in the Kunigal Taluk.

The Govt. Advocate reports that the appeal coming on for hearing on 14th Septr. 1914, the decree of the Lower Court was reversed and the suit remanded to the Lower Court for disposal according to Law. A copy of the judgment in the appeal has also been received.

Submitted for order

M.L. (115)
15-10-1914

Invite attention to Govt. Advocate's letter No 227 dy 2-3-1914 and request information as to whether Venkatesa Rao has deposited in Court Rs 1000 as ordered [illegible]

NOTE—Contn sheet

GPB—1000-26-6-11

ral and Revenue Secretariat. | File No. 169 of 1912

Serial No.

Submtd with a Bft

MM(115) BL
16.10.1914

Sl.No 10 To, The Govt Advocate in Mysore
Letter no. 797 Dy 22.10.1914.
Enquires whether Venkatarao deposited in Court the amount of Rs 2000 by way of Security as ordered by the Court.

Sl.No 11 From, the Govt Advocate
Letter no. 116 Dy 24.10.1914.
States that Venkatarao has deposited Rs 2000 by way of Security for costs.

Submtd proceedings. The order of the
MM(115) 28-10-14 Lower court (Addl court of Bangalore) has to be awaited

BL 28.10.14

29/10/14

Further developement may be awaited. The Munc. Supdt will keep in touch with proceedings & see what has to be done.

NOTE—Contin sheet

GPB—1000-26.6.13 Gnana 30/10

and Revenue Secretariat. | File No. 149 of 1912.

Serial No.

Forwarded unofficially with compliments to the Murrai Supdt in regard to note.

By order

Chas Armstrong
for Offg Secy & Forst

30.10.14

W.O. No 53
By 31.10.14

W.O. No 5
2.11.14.

Noted and returned with thanks.

Chas Armstrong
Murrai Superintendent

18.11.1914

B

NOTE—Contn sheet

GPB—5,000 -26-6 11

Office of the Government Advocate in Mysore,

Bangalore dated, 24th October 1914.

686

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,
Government Advocate in Mysore, Bangalore.

To,

The Offg: Secretary to the Government of His Highness
the Maharaja of Mysore, General and Revenue Department

Sir,

In reply to your letter No.797/Muz.149-12-6 dated 22nd Instant, I have the honour to inform that the appellant Venkata Rao, has, as ordered by the Chief Court, deposited Rs.2000/- by way of security for costs.

I have the honour to be,

Sir,

Your most obedient servant,

Government Advocate.

.S. 26]

File No.

Serial No. 610

Diary No. of letter replied to 616

No. 797

General and Revenue Secretariat

( )

, the 19 .

To

The Govt Advocate

in Mysore,

Sir,

Adverting to your letter no. 98 Dy 10th Octr 1914 stating that the appeal preferred by Venkata Rao for the restoration of the villages granted for Dawoodas Doss Saib's charities, coming on for hearing before the Chief Court, the Decree of the lower Court was set

Date of issue 22 10 · 1914

Signed by Nrq. Aravamudiengar

over.

SUBJECT.

and the Suit remanded for disposal, I am directed to invite attention to your letter no. 227 dated 2d March 1914 and to request information as to whether Venkatesa has deposited in Court ~~the~~ by way of security Rs 2000 as ordered by the Court

I have &c

DF

for Secretary

TJ 10-14

List of enclosures,

Copied by

Examined by

GPB—20,000—26 9 10

one.

Office of the Government Advocate in Mysore.

Bangalore dated, 10th October 1914.

VII
14/13

From,

C. S. Doraswamy Iyer Esq., B.A., B.L.,
Government Advocate in Mysore, Bangalore.

14-15
SECTION Muzrai
No. 14 9-12

To,

The Offg. Secretary to the Government of His Highness the Maharaja of Mysore, General & Revenue Departments.

Sir,

Adverting to Government Orders Nos.393-11/Muz.F 149-12-2 and 432-5/Muz F 149-12-4 dated 7th and 13th September 1912 respectively, authorizing me to appear before the Chief Court in R.A. No.275 of 11-12 on behalf of the Muzrai Superintendent and the Deputy Commissioner Tumkur I have the honor to report -- that the appeal coming on for hearing on 14th September 1914, the decree of the Lower Court was reversed and the suit -- remanded to the Lower Court for disposal.

2. A copy of the judgment in the appeal is herewith -- forwarded.

I have the honor to be,
Sir,
Your most obedient servant,

S Doraswamy Iyer
Government Advocate.

IN THE CHIEF COURT OF MYSORE AT BANGALORE

Monday, the 14th day of September 1914.

PRESENT.

Sir EDWARD C. MILLER, Kt., Chief Judge,

and

Mr. Justice J.S. CAMPBELL TAYLOR.

Regular Appeal No. 275 of 1911 - 12.

Venkata Rao, Landlord and Executor to the estate of Brijlal Doss. ... Plaintiff..... Appellant

Vs

1. Munsif Officer, Munsif Department, Mysore - Government.

2. The Deputy Commissioner of the Tumkur District. ...Defts. .....Respondents.

Appeal against the decree of the District Judge of Bangalore in O.S. No. 12 of 1911-12.

This appeal coming on for hearing yesterday this day, the court delivered the following : -

J U D G M E N T.

At a former hearing the court expressed the view that the plaintiff is not entitled to go behind the title-

Settlement or contest the title then conferred upon, or con
firmed in the Inamdar: the ~~applicant~~ appellant concedes now that what question cannot be reargued, and we decide in accordance with the view of the court then taken, that the Inam Settlement form the basis of the Inamdar's title. The question now remains whether the plaintiff is entitled to sue for possession on the basis that he is the Inam holder entitled to administer the trust in accordance with the Inam Settlement, and whether the resumption of the Inam was justifiable. These questions the District Judge ~~ju~~ holds were not raised in the plaint, and we are asked to admit an amendment to the plaint to raise them distinctly; we think we ought to do so, for though they were not raised in the plaint, they were undoubtedly foreshadowed in paragraphs 13 and 14 of the rejoinder, and ~~was~~ were made the subject of issues 5 and 7 in the suit. In these circumstances seeing that the amendment does no injustice to the respondent we direct that the plaint be amended as prayed; but omitting the prayer for possession and management as owner of the property. When that amendment is made the suit will have to be reheard by the District Judge and for that purpose we reverse his decree and remand the

suit

suit to him for disposal according to law. The District Judge will receive any additional written statement that may be tendered in answer to the amended plaint, and proceed wit the suit in due course on the plaint as amended.

We do not decide the question which he has incidentally decided, the question whether section 221 of the Land Revenue Code is a ~~part~~ leap to of the suit. The decree being set aside that question if it arises remains open for his decision at the future hearing.

The defendants' costs in both courts up to date must be ~~xx~~ paid by the plaintiff.

We are asked to make an order under section 10 of the Court Fees Regulation, refunding the court fee on the memo of appeal but we do not think that section applies to this case.

SD/.Leslie C. Miller.

C O P Y. CHIEF JUDGE.

SD/.K.S.Chandrasekhara Iyer.

Government Advocate. J U D G E.

M.C.